

From: Joe Werner
To: Hicks, Guy , hwalker@boultcummings.com, shaffer), Dana Shaffer (dana
Date: 6/18/04 10 23 12 AM
Subject: Re 03-00630 XO/BST Arbitration

Good morning,

It has been over two weeks since postponement of the mediation conference in this docket. Please let me know if the parties are now ready to mediate the issue (starting point of negotiations) and if so, a suggested date for such mediation. Thanks

Joe Werner, CPA
Chief, Telecommunications Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
615-741-2904 x 175
email Joe.Werner@state.tn.us

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2004 JUN 24 PM 4:2
T.R.A. DOCKET ROOM

From: "Walker, Henry" <hwalker@boultcummings.com>
To: "Joe Werner" <Joe.Werner@state.tn.us>, <Guy.Hicks@bellsouth.com>, <dshaffer@xo.com>
Date: 6/18/04 10:30:11 AM
Subject: RE 03-00630 XO/BST Arbitration

Joe, believe it or not, the parties have reached agreement on the starting document! And are now exchanging red-lined versions. There still may be issues where your involvement will be helpful, however I will contact Dana.

-----Original Message-----

From: Joe Werner [mailto:Joe.Werner@state.tn.us]
Sent: Friday, June 18, 2004 10:23 AM
To: Guy.Hicks@bellsouth.com, Walker, Henry, dshaffer@xo.com
Subject: Re: 03-00630 XO/BST Arbitration

Good morning,

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email: Joe.Werner@state.tn.us

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From: "Shaffer, Dana" <dana.shaffer@xo.com>
To: "Walker, Henry" <hwalker@boultcummings.com>, "Joe Werner" <Joe.Werner@state.tn.us>, "Hicks, Guy" <Guy.Hicks@bellsouth.com>
Date: 6/18/04 10:30:12 AM
Subject: RE: 03-00630 XO/BST Arbitration

It looks like we may need some mediation sessions, can we go ahead and look at our calendars for July and schedule something?

Dana Shaffer
Vice President, Regulatory Counsel
XO Communications, Inc
615-777-7700

-----Original Message-----

From: Walker, Henry [mailto:hwalker@boultcummings.com]
Sent: Friday, June 18, 2004 10:29 AM
To: Joe Werner, Guy Hicks@bellsouth.com, Shaffer, Dana
Subject: RE: 03-00630 XO/BST Arbitration

Joe, believe it or not, the parties have reached agreement on the starting document! And are now exchanging red-lined versions. There still may be issues where your involvement will be helpful, however I will contact Dana.

-----Original Message-----

From: Joe Werner [mailto:Joe.Werner@state.tn.us]
Sent: Friday, June 18, 2004 10:23 AM
To: Guy Hicks@bellsouth.com, Walker, Henry, dshaffer@xo.com
Subject: Re: 03-00630 XO/BST Arbitration

Good morning,

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medium

From: "Hicks, Guy " <Guy Hicks@bellsouth.com>
To: "Shaffer, Dana" <dana shaffer@xo com>, "Walker, Henry"
<hwalker@boultcummings com>, "Joe Werner" <Joe Werner@state tn.us>
Date: 6/18/04 10 58 53 AM
Subject: RE. 03-00630 XO/BST Arbitration

We had agreed to try mediation with respect to the starting point issue
I am glad to hear that that issue has been resolved. I don't know what
the current issues are and will check with my folks to see if they
think mediation for those issues would be productive
Guy

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From: "Shaffer, Dana" <dana.shaffer@xo.com>
To: "Hicks, Guy" <Guy.Hicks@BELLSOUTH.COM>, "Walker, Henry" <hwalker@boultcummings.com>, "Joe Werner" <Joe.Werner@state.tn.us>
Date: 6/18/04 11:25:35 AM
Subject: RE 03-00630 XO/BST Arbitration

I'm not sure that we have agreed on the starting point, I thought we had, and Bell sent the document for my redline, but before I could even send back XO's redline, Bell informed me that there were a number of changes they wanted to make to attachment 2 of the starting point based on the TRO. XO agreed to wait for those changes before determining whether a meeting with the mediator was needed, based on Bell's promise to have those changes by a date certain. Bell, however, later sent a "redline" including a number of changes to the original proposed document that were not appropriate, in effect, trying to "fastforward" with a preemptive "change of law" on USTA II issues. XO is reviewing those changes in detail, and is scheduled to have a response to Bell next week. From my initial review, however, I believe we will still be in disagreement on Bell's proposed "starting point."

A meeting with the mediator would be helpful to determine where we go from here, and whether a separate arbitration/mediation on the appropriate TRO amendment is necessary before moving forward with the entire agreement. Our arbitration window on the TRO amendment is coming up very shortly, so a "procedural meeting" may be in order.

Dana Shaffer
Vice President, Regulatory Counsel
XO Communications, Inc.
615-777-7700

-----Original Message-----

From: Hicks, Guy [mailto:Guy.Hicks@BELLSOUTH.COM]
Sent: Friday, June 18, 2004 10:55 AM
To: Shaffer, Dana, Walker, Henry, Joe Werner
Subject: RE 03-00630 XO/BST Arbitration

We had agreed to try mediation with respect to the starting point issue. I am glad to hear that that issue has been resolved. I don't know what the current issues are and will check with my folks to see if they think mediation for those issues would be productive.
Guy

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you received this in error, please contact the sender and delete the material from all computers 113

CC: "Miller, Elaine" <elaine.miller@xo.com>, "Case, Gary" <case.gary@xo.com>

From: "Hicks, Guy " <Guy Hicks@bellsouth.com>
To: "Shaffer, Dana" <dana.shaffer@xo.com>, "Walker, Henry" <hwalker@boultcummings.com>, "Joe Werner" <Joe.Werner@state.tn.us>
Date: 6/18/04 1:40:49 PM
Subject: RE 03-00630 XO/BST Arbitration

I will respond after discussing with my folks

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CC: "Miller, Elaine" <elaine.miller@xo.com>, "Case, Gary" <case.gary@xo.com>

From: Joe Werner
To: Hicks, Guy , hwalker@boultcummings.com, shaffer), Dana Shaffer (dana
Date: 5/19/04 9 09 50 AM
Subject: Re 03-00630 XO/BST Arbitration

Guy,

No problem Since everyone is in agreement , We can postpone the mediation for two weeks Thanks

>>> "Hicks, Guy " <Guy.Hicks@bellsouth.com> 5/18/04 4 14 08 PM >>>

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From: "Joe Werner" <Joe.Werner@state.tn.us>
To: "Hicks, Guy" <Guy.Hicks@BellSouth.com>, <H.Walker@boultcummings.com>
Date: Tue, Mar 23, 2004 9:31 AM
Subject: Mediation Session - TRA Docket 03-630, BellSouth/XO Mediation

Guy and Henry,

As we briefly discussed yesterday, I would like to have our first mediation session in the aforementioned docket next week. The purpose of the session would be to discuss and hopefully resolve the issue regarding the starting point of negotiations. I suggest we meet Thursday, April 1st at 1pm at the TRA building. I will set aside three hours for the session but we can meet longer if needed. Let me know if you are available. Thanks.

Joe Werner

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From: "Hicks, Guy " <Guy.Hicks@BELLSOUTH.COM>
To: "Joe Werner" <Joe.Werner@state.tn.us>, <H.Walker@boultcummings.com>
Date: Tue, Mar 23, 2004 6:36 PM
Subject: RE: Mediation Session - TRA Docket 03-630, BellSouth/XO Mediation

Joe,

There are several folks on the Bellsouth side that will need to attend
I am checking with them regarding their availability. Thanks, Guy

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